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December 2, 2014

VIA ECF

The Honorable William H. Alsup, District Judge  
U.S. District Court for the Northern District of California  
San Francisco Courthouse, Courtroom 8, 19th Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Dent et al. v. National Football League, No. C-14-2324 WHA (N.D. Cal.)

Dear Judge Alsup:

The National Football League Players Association (“NFLPA”), a non-party to this litigation, submits this letter in response to the Court’s request to answer two additional questions that may aid the Court in its analysis of the pending Rule 12(b) motion and opposition. *See* D.E. 96, dated 11/25/14 (requesting NFLPA’s views). The NFLPA does not believe that retired professional football players could have grieved the specific claims asserted in Dent against clubs or club physicians, with the potential exception of retired players who are covered by the 2011 CBA. As explained in the NFLPA’s previous submission (D.E. 92, at 3, dated 11/19/14), the NFLPA reserves its rights to contend that Article 39 of the 2011 CBA imposes enforceable duties on clubs and medical personnel. With respect to the Court’s second question, the NFLPA has not taken and does not take the position that lawsuits by players against club doctors are prohibited by applicable CBAs, but the NFL and clubs have taken the opposite position. As the Plaintiffs make clear, however, “Plaintiffs do not allege medical malpractice against team doctors” in this case. *See* Plaintiffs’ Br. at 12 n.2 (D.E. 79, dated 10/10/14).

Respectfully submitted,

/s/ Andrew S. Tulumello  
*Counsel for NFLPA*

cc: All parties, via ECF  
Andrew G. Slutkin, via overnight mail